

## **Minutes of the Maine Real Estate Commission**

**MAY 20, 2004**

### **MEMBERS PRESENT**

Earl Black  
David Kitchen  
Sharon Millett  
Jeffrey Mitchell  
Winfred Stevens

### **STAFF PRESENT**

Carol Leighton, Director  
Karen L. Bivins, Deputy Director  
Judy Brown, Examiner  
Robert Perkins, A.A.G.  
Susan Greenlaw, Secretary

### **MEMBERS ABSENT**

**Location:** Central Conference Room

**Start:** 9:07 a.m.

**Adjourn:** 2:00 p.m.

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### **Minutes – April 15, 2004**

A motion was made by Jeffrey Mitchell and seconded by Winfred Stevens to approve the minutes of the April 15, 2004 meeting as written. Black, Kitchen, Mitchell, and Stevens voted in the affirmative; none opposed; Millett abstained. Motion carried.

### **Agenda Modifications**

A motion was made by Jeffrey Mitchell and seconded by Winfred Stevens to add the following to the agenda. Unanimous.

- Proposed Dismissals  
#2002-039  
#2002-043  
#2002-073
- Response form Assistant Attorney General Robert Perkins regarding True Hall matter

### **Hearings**

The hearing in the matter of Director v. Herbert R. Dickey III was postponed.

The Chair opened the hearing in the matter of Director v. Cynthia A. Pouliot. The Director was present and represented by Assistant Attorney General Robert Perkins. Ms. Pouliot was not present nor represented by counsel. Public deliberations were conducted at the close of the hearing. A motion was made by Sharon Millett and seconded by David Kitchen to find Ms. Pouliot in violation of 32 M.R.S.A. §13067(1)(A) and 13067(1)(B). Unanimous. A motion was

made by Sharon Millett and seconded by Jeffrey Mitchell to order the immediate suspension of Ms. Pouliot's license until receipt of payment of the protested check and service fee as well as successful completion of the Role of the Designated Broker course. Unanimous.

The Chair opened the hearing in the matter of Director v. Mary Jane Thibodeau. The Director was present and represented by Assistant Attorney General Robert Perkins. Ms. Thibodeau was not present nor represented by counsel. Public deliberations were conducted at the close of the hearing. A motion was made by Winfred Stevens and seconded by Sharon Millett to find Ms. Thibodeau in violation of 32 M.R.S.A. §13067(1)(M). Unanimous. A motion was made by Winfred Stevens and seconded by Jeffrey Mitchell to order the revocation of Ms. Thibodeau's license. Unanimous.

The Chair opened the hearing in the matter of Director v. Richard A. Dupuis. The Director was present and represented by Assistant Attorney General Robert Perkins. Mr. Dupuis was present and not represented by counsel. Public deliberations were conducted at the close of the hearing. A motion was made by Sharon Millett and seconded by Jeffrey Mitchell to find Mr. Dupuis in violation of 32 M.R.S.A. §13067(1)(F) and 13191(1). Unanimous. A motion was made by Sharon Millett and seconded by Winfred Stevens to find Mr. Dupuis in violation of 32 M.R.S.A. §13067(1)(A). Black, Millett, Mitchell, and Stevens voted in the affirmative; Kitchen opposed. Motion carried. A motion was made by Sharon Millett and seconded by Winfred Stevens to postpone the remainder of the hearing until June 17, 2004. Unanimous.

### **Commission Decisions**

A motion was made by David Kitchen and seconded by Winfred Stevens to deny Mr. Hall's request to re-open the hearing. Black, Kitchen, Mitchell, and Stevens voted in the affirmative; none opposed; Millett abstained. Motion carried.

A motion was made by David Kitchen and seconded by Jeffrey Mitchell to accept the Commission Decision in the matter of Director v. True Hall (hearing held 4/15/2004). Black, Kitchen, Mitchell, and Stevens voted in the affirmative; none opposed; Millett abstained. Motion carried.

### **Consent Agreements**

A motion was made by Sharon Millett and seconded by Jeffrey Mitchell to accept the proposed Consent Agreements in case numbers 2002-016, 2002-023, and 2004-042. Unanimous.

### **Dismissed Complaints**

A motion was made by Sharon Millett and seconded by Jeffrey Mitchell to accept the proposed Dismissals in case numbers 2002-060, 2003-140, 2002-039, 2002-043, and 2002-073. Unanimous.

### **Correspondence**

Christopher H. Longstaff – Request for New Fine Payment Schedule: A motion was made by Winfred Stevens and seconded by Jeffrey Mitchell to deny the request. Unanimous.

Brad Bryce Jr. – Request for Extension to Pay Fine: A motion was made by Jeffrey Mitchell and seconded by David Kitchen to deny the request. Kitchen and Mitchell voted in the affirmative; Black, Millett, and Stevens were opposed. Motion failed. A motion was made by Sharon Millett and seconded by Winfred Stevens to give Mr. Bryce until June 7, 2004 to pay the fine. Black, Millett, Mitchell, and Stevens voted in the affirmative; Kitchen opposed. Motion carried.

Brent Butler, Associate Regional Counsel, Coldwell Banker Residential Brokerage – Request to Retain Records Electronically: A motion was made by David Kitchen and seconded by Sharon Millett to direct staff to prepare statute and rule amendments addressing the requirements of records to be kept by licensees and how those records are maintained. Unanimous. A response will be sent to Mr. Butler informing him that the Commission's statutes do not currently allow electronic records retention.

#### **Manufactured Housing Board May 5, 2004 Meeting – Commissioner Millett Report**

Commissioner Sharon Millett attended the May 5, 2004 meeting of the Manufactured Housing Board for the purpose of discussing the matter of dealer licenses.

#### **Director's Report**

*Licensing/Education Current Requirements Discussion – continued:* Discussion to continue at June 17, 2004 meeting.

*ARELLO – Mid-year Meeting Report:* Carol Leighton attended the meeting and presented a written as well as a brief oral report.

*Proposed Reciprocal Agreement – Mississippi Real Estate Commission:* A motion was made by Sharon Millett and seconded by Winfred Stevens to approve the reciprocal agreement as amended. Black, Millett, Mitchell, and Stevens voted in the affirmative; none opposed; Kitchen abstained. Motion carried.

#### **Next Meeting Scheduled for June 17, 2004**

The meeting was adjourned at 2:00 p.m.

This report respectfully submitted,

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Earl Black  
Chairman

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Carol J. Leighton  
Director